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For the Northern District of California

DIANNE M. THEODOROU,

Plaintiff,

No. C 06-01483 JSW

v.

ASTRAZENECA PHARMACEUTICALS,
L.P., et al.

Defendants.

**ORDER ON PLAINTIFFS'
OMNIBUS MOTION FOR
ADMINISTRATIVE RELIEF
REQUESTING ORDERS
APPROVING DISMISSELS
WITHOUT PREJUDICE**

This matter comes before the Court on an omnibus motion for administrative relief filed by Plaintiffs in multiple actions pending before this Court, in which those Plaintiffs seek dismissals without prejudice of those actions. Defendants have opposed Plaintiffs' omnibus motion, and Plaintiffs have submitted a reply. Accordingly, the matter is now ripe for decision. For the following reasons, Plaintiffs omnibus motion is GRANTED IN PART AND DENIED WITHOUT PREJUDICE IN PART.

On July 6, 2006, the Judicial Panel on Multidistrict Litigation issued a Transfer Order that transferred to the United States District Court for the Middle District of Florida the *Boatwright* (06-602), *Collier* (06-599), *Heigl* (06-551), *Sulkowski* (06-586), *Masterson* (06-657), *Carroll* (06-562) and *Mozingo* (06-628) cases. Accordingly, to the extent Plaintiffs seek to dismiss those cases by this motion, that request is DENIED WITHOUT PREJUDICE to raising the issue before the presiding judge in the Middle District of Florida.

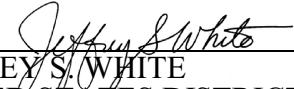
United States District Court

1 By their omnibus motion, the moving Plaintiffs also ask the Court to dismiss the *Cotton*
2 (06-1322), *Theodorou* (06-1483) and *Outlaw* (06-1857) cases. Plaintiffs contend that they have
3 valid reasons to do so: (1) current counsel will not refile certain, but unspecified, cases in any
4 jurisdiction and those plaintiffs should have the opportunity to pursue their claims with other
5 counsel if they choose; (2) in light of the transfer order, current counsel will be required to
6 litigate the federal matters in the Middle District of Florida, a venue where they have no
7 contacts and experience; and (3) there are state courts in Delaware and New Jersey where
8 coordinated proceedings have been created and where counsel has cases pending. Defendants
9 have articulated no plain legal prejudice that would result from the dismissal of the *Cotton*,
10 *Theodorou*, and *Outlaw* cases. Accordingly, those requests shall be GRANTED. Plaintiffs in
11 the *Cotton* and *Outlaw* cases are HEREBY ORDERED to e-file proposed orders of dismissal in
12 those cases by no later than July 21, 2006, which shall reference this Order.

13 By this Order, the above captioned matter (*Theodorou*, 06-1483) is HEREBY
14 DISMISSED WITHOUT PREJUDICE, and the Clerk is directed to close the file.

15 **IT IS SO ORDERED.**

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17 Dated: July 18, 2006
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19 JEFFREY S. WHITE
20 UNITED STATES DISTRICT JUDGE
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